

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

AUSA: Susan Fairchild

BPA Michael Everson

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Edras Esau GUTIERREZ-MATEU

Case No. 2:25-mj-30228
 Judge: Unassigned,
 Filed: 04-14-2025 At 03:13 PM
 CMP USA V. EDRAS ESAU GUTIERREZ-
 MATEU (DA)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 7, 2025 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Title 18, United States Code, Section 1001

Offense Description

False Statement or Representation Made to a Department or Agency of the United States

This criminal complaint is based on these facts:

On or about April 7, 2025, GUTIERREZ-MATEU, did willfully and knowingly make a materially false, fictitious and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, by falsely and willfully representing himself to be a citizen of the United States to a U.S. Border Patrol Agent in the Eastern District of Michigan. The statements and representations were false because, as GUTIERREZ-MATEU then and there knew, he is not a United States citizen, all in violation of Title 18, United States Co

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: April 14, 2025

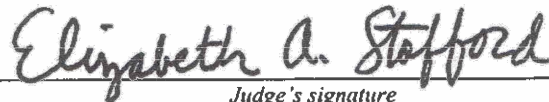
City and state: Detroit, MI



Complainant's signature

Michael Everson, Border Patrol Agent

Printed name and title



Judge's signature

Elizabeth A. Stafford, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official Immigration file and system automated data relating to Edras Esau GUTIERREZ-MATEU, which reveals the following:
2. GUTIERREZ-MATEU is a twenty-six-year-old male, native and citizen of Guatemala, who last entered illegally into the United States at or near Covington, New York, on or about February 1, 2024, without being admitted, inspected, or paroled by an Immigration Officer.
3. On or about February 1, 2024, GUTIERREZ-MATEU was arrested by Border Patrol Agents following a vehicle chase. GUTIERREZ-MATEU was a passenger in the vehicle. Following the pursuit, the vehicle came to a stop and all occupants jumped out and ran from the responding agents. GUTIERREZ-MATEU was arrested by agents shortly after fleeing on foot. He was transported to the Burke Border Patrol Station where he was processed for Notice to Appear.
4. GUTIERREZ-MATEU failed to appear for the scheduled immigration deportation hearing, and on or about November 19, 2024, GUTIERREZ-MATEU was ordered removed by an Immigration Judge in Buffalo, New York, *in absentia*.
5. On or about April 7, 2025, Detroit Border Patrol Agents performed a vehicle stop on a black Honda Civic. The vehicle was occupied by multiple persons. The vehicle was targeted because it displayed a paper license plate, which appeared similar to fraudulent plates in the area which are being produced and used by illegal aliens to evade law enforcement and immigration authorities. GUTIERREZ-MATEU was sitting in the front passenger seat. When Agents asked for identification from the occupants in the vehicle, GUTIERREZ-MATEU refused to acknowledge them and continued to face

forward in the car. The Agent then went around to the passenger window and asked GUTIERREZ-MATEU his citizenship. GUTIERREZ-MATEU responded that he was a U.S. citizen. Agent asked GUTIERREZ-MATEU for identification and he did not respond. The Agent asked again, and GUTIERREZ-MATEU replied that he left his identification at church and there was no need to show identification because he was a citizen of the United States. The Agent asked GUTIERREZ-MATEU for a name and date of birth to verify his claim. GUTIERREZ-MATEU refused to give the Agent his name and date of birth.

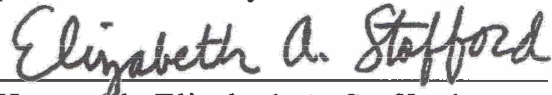
6. After several attempts by the Agent to get the requested information, GUTIERREZ-MATEU claimed that his name was "Esdva GOMES-PORTILLO" with a date of birth of February 23, 2000, and verbally stated that he was a U.S. citizen. Record checks were then requested on scene through radio dispatch. The information provided by GUTIERREZ-MATEU showed no results of a person existing with that name and date of birth.
7. GUTIERREZ-MATEU was then placed into a marked Border Patrol unit to be transported to the Detroit Border Patrol Station for further investigation. Prior to departing the scene, GUTIERREZ-MATEU was asked again of his status in the United States to which he stated that he was a U.S. citizen.
8. Upon arrival at the station, GUTIERREZ-MATEU stated that he was a citizen of Guatemala, and his true name was Edras Esau GUTIERREZ-MATEU with a birth date of March XX, 19XX.
9. In a subsequent interview conducted at the Border Patrol Station in the Spanish language, GUTIERREZ-MATEU admitted that he claimed to be a United States citizen "three or four times" to the Border Patrol Agent "to avoid detection".
10. Based upon the information above, Affiant believes there is probable cause to believe that GUTIERREZ-MATEU, a native and citizen of Guatemala, and therefore, an alien in the United States, did willfully and knowingly make a materially false, fictitious and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, by falsely and willfully representing himself to be a citizen of the United States to a U.S. Border Patrol Agent in the Eastern District of Michigan. The statements and representations were

false because, as GUTIERREZ-MATEU then and there knew, he is not a United States citizen, in violation of Title 18, United States Code, Section 1001.



Michael Everson, Border Patrol Agent
U.S. Department of Homeland Security

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Elizabeth A. Stafford
United States Magistrate Judge